

1 what it was.

2 Q So you didn't fully disclose the facts here?

3 A Well, I don't know what you're leading up to. I
4 mean, I --

5 Q I'll ask it again. I'll ask it again.

6 A I disclosed the facts that I believed were
7 necessary for grant of an STA, which was subsequently
8 granted. And I also disclosed the facts that I knew in STAs
9 that had previously been granted, previous to that had been
10 granted. I know, for instance, Mr. Aronowitz, of STAs that
11 have been granted on a single sheet of paper without any
12 kind of exhibits at all.

13 Q Yes, but that's --

14 A That simply say, "I need an STA," and it's
15 granted.

16 MR. ARONOWITZ: I'll object to that as not
17 responsive and not relevant to this case because we're
18 talking about this case.

19 THE WITNESS: What we are talking about, Mr.
20 Aronowitz, is what I believed to be the rules. What we are
21 talking about is whether or not --

22 BY MR. ARONOWITZ:

23 Q What you believe to be -- all right.

24 A And what had been accepted policy with the things
25 that I had been doing for years.

1 Q But now you were told a different policy. You
2 didn't agree with that policy, but you were told a new
3 policy.

4 A In fact, I asked is there a written policy toward
5 towers, toward antennas. Mr. Vu couldn't give me that. He
6 simply stated --

7 MR. ARONOWITZ: I am going to ask that that be
8 stricken as nonresponsive, and I am going to ask the
9 question again.

10 JUDGE CHACHKIN: It will be stricken.

11 BY MR. ARONOWITZ:

12 Q I will focus you on the answer.

13 Regardless of what you knew to be the case in the
14 past, Mr. Vu explained to you a policy that there would be
15 no new construction for STAs, correct?

16 A Yes, sir.

17 Q You disagreed with that?

18 A I knew it was wrong.

19 Q You disagreed with the policy? Yes or no.

20 A Yes.

21 Q You attempted to make your case and show Mr. Vu
22 that he was wrong? Yes or no.

23 A Yes.

24 Q You attempted to persuade him, even showing him or
25 discussing Mineola/Canton, Canton/Mineola, whichever way it

1 goes --

2 A I discussed a number of cases.

3 Q A number of cases, and you were still unsuccessful
4 in getting him to change his mind?

5 A That's correct.

6 Q You did not challenge that policy anywhere else.
7 In fact, you attempted to show compliance with that policy.

8 A I did show compliance with that policy.

9 Q So regardless of what you knew to be the case in
10 the past, you now understood a policy, and you were
11 attempting to show compliance with that policy?

12 A I did show compliance with that policy.

13 (Pause.)

14 Q I want to move on to another question.

15 On 5-2-95, you filed an application saying that a
16 tower -- you had an existing tower on what we have now come
17 to call the second spot, for lack of a better word right
18 now.

19 A Yes, sir.

20 Q And that tower did not exist on March -- April 21,
21 '95, when you filed the initial STA?

22 A No, sir, it did not.

23 Q When did the tower exist? When did the tower
24 come into existence?

25 A It was erected on May 1, 1995.

1 Q I would like you to turn to -- and I'm going to
2 move along now. I'm going to try to quicken this up, and I
3 apologize for taking the time I am.

4 I would like to direct you to Mass Media Bureau
5 Exhibit 5; specifically, page 9, which I think you read
6 before. I'm going to ask you a few more questions on this.
7 And I'm specifically looking at the paragraph, the fourth
8 paragraph down that begins, "On Saturday, April 29."

9 JUDGE CHACHKIN: What page are we on?

10 MR. ARONOWITZ: Page 9 of Mass Media Bureau
11 Exhibit 5.

12 JUDGE CHACHKIN: All right.

13 BY MR. ARONOWITZ:

14 Q And I'm specifically looking at the second
15 sentence which reads, "By Monday, May 1, 1995, the Rohn
16 Model 25 tower was in place."

17 A Yes, sir.

18 Q What did you mean by "in place"?

19 A I meant by the end of the day it was erected.

20 Q It was erected, and what is "it" in this case? A
21 nonbroadcast tower?

22 A Just a nonbroadcast --

23 Q Just a tower?

24 A Just a tower.

25 Q Just a tower in the air?

1 A As you could by the side of your home this
2 afternoon go erect a Rohn 25 tower and put a television
3 antenna on top of it.

4 Q Not in Washington.

5 A Well --

6 Q I don't think so.

7 A -- you can in Sugar Land, Texas.

8 Well, actually, in my neighborhood you can't, but
9 that's another story. But in most places in Texas you can.
10 If I live in rural Harris County, Texas, there is no zoning.

11 Q You can just throw a stick and --

12 A Absolutely.

13 Q Okay.

14 A Which is exactly what was done.

15 Q And on -- and then flipping the page to page 10,
16 you said, "The tower was on the land. Therefore, Werlinger
17 reported to Vu on Monday, May 1, that a tower was on the
18 land."

19 A Right.

20 Q Now, what did you mean by "a tower on the land."

21 A I meant that by the end of the day the tower was
22 erected.

23 Q So it just wasn't sitting there, it wasn't just a
24 mere tower lying on property. It was an erected, footings,
25 the whole nine yards, cement footings, the whole thing. It

1 was up?

2 A You bet.

3 Q And it was a broadcasting -- it was a
4 nonbroadcasting. It was just metal? It was nothing?

5 A It was metal hanging in the air.

6 Q And the fact that it was in place, "in place" is
7 your term, or "on land," was that sufficient in your mind to
8 comply with your understanding of the STA policies explained
9 to you by Mr. Vu?

10 A On May 2nd that tower was in the air, and I had
11 complied with the policy. There was a tower.

12 Q So if you had been granted the STA that day --

13 A Yes, sir.

14 Q -- right on, instantaneously there was an existing
15 tower, you could have been there?

16 A Well, actually after the STA was granted it took
17 us about a day and a half to get it ready to go on the air.

18 Q So it wasn't complete?

19 A It didn't have broadcast facilities on it. It was
20 just a naked tower. If the STA had been granted that day,
21 it could not have gone on the air that day.

22 Q Was that reported to Vu?

23 A I'm sorry?

24 Q Was that fact reported to Vu when you reported to
25 him that the tower was in place?

1 A I reported to him that there was a tower existing
2 that we could -- that we could put our broadcast equipment
3 on. I reported that in that May 2nd amendment.

4 Q You did not report the history of the tower. You
5 just told --

6 A I said there's a tower.

7 Q There's a tower there?

8 A There's a tower here. Here are the coordinates.
9 It's 250 feet away from the proposed --

10 Q Did you disclose to Vu at that time that FAA
11 approval was needed for this tower?

12 A FAA approval was not needed, but in any instance
13 the FAA had already granted, had already granted approval,
14 and the FAA's rules are that any construction as tall as or
15 shorter than within 500 feet of the granted site they need
16 not be notified.

17 Q All right. But in this case the FAA was notified.

18 A Yes. For the original site.

19 JUDGE CHACHKIN: What original site are we talking
20 about?

21 THE WITNESS: Well, for the original, for the
22 originally proposed tower.

23 BY MR. ARONOWITZ:

24 Q From the 4-21 tower?

25 A From the 4-21 tower.

1 Q So that was the new construction. In other words,
2 what the FAA -- first of all --

3 A What the FAA says --

4 Q -- the FAA always knew this was new construction?

5 A Absolutely.

6 Q The FAA always knew.

7 A Always.

8 Q The FCC didn't know, but FAA knew?

9 A Well, I didn't bother to amend my FAA 7460 because
10 the FAA's rules are that if I construct within 500 feet of a
11 granted site, of a granted spot on the planet shall we say.

12 Q Right.

13 A That I need not inform them. This spot was 200 --
14 actually 237 and a half feet from the originally proposed
15 spot, so there was no -- there was no requirement that the
16 FAA be notified.

17 Q But the FAA knew that there was new construction
18 going on at spot one?

19 A Right.

20 Q FCC thinks there is an existing tower at spot two?

21 A There was an existing tower at spot two on May
22 2nd.

23 Q But this was the same tower that -- in essence,
24 what you are telling me then, this is the same tower that Vu
25 would not let you construct --

1 A Vu would not --

2 Q -- or would not authorize an STA for on April
3 21st; is that correct?

4 A That's correct.

5 Well, subsequently.

6 Q it's the same tower?

7 A No, it's a different tower, because the tower --
8 Mr. Aronowitz, the tower originally proposed was tower
9 number one -- pardon me -- tower number two in a four-tower
10 directional array. The tower that was constructed wound up
11 being tower number four in a proposed four-tower directional
12 array.

13 Q Mr. Werlinger, would you please -- and this may
14 help me, and I'm not going to belabor this point much
15 longer -- Mass Media Bureau Exhibit 11.

16 A Yes, sir.

17 Q It's an FAA notification.

18 A Yes, sir.

19 Q Filed when?

20 A 3-28-95.

21 Q So this was prior to the STA request?

22 A Yes.

23 Q And in here you propose construction of a new
24 tower, and you have work scheduling dates, pending and
25 ending.

1 A Yes.

2 Q Would you explain that to me? I'm not sure how
3 that works?

4 A Well, it's very routine. If I have a -- the FAA
5 generally takes much longer to grant approval of 7460s than
6 does the Commission to grant approval of STAs. So if you
7 know that you're going to construct on a site, and, again,
8 this was to be the permanent site for KFCC when it was
9 relicensed to Missouri City. And inasmuch as we felt there
10 might be the need, or we knew at that point probably that
11 there would be the need for an STA. Well, of course we did.
12 Well, we didn't know at that time when the Commission was
13 going to grant the transfer because it had not occurred.

14 But whenever the Commission granted the transfer
15 on 3-28 the transfer had not been granted. We knew that
16 whenever the transfer was granted that we would immediately
17 file a 301 for this to be our permanent license site for the
18 station to be licensed to Missouri City.

19 Q And that wasn't the case, correct? You didn't
20 immediately file the 301?

21 A We filed it in August, Mr. Aronowitz, after I had
22 fought for -- I mean, my goodness, Man, it was within 90
23 days. We had --

24 Q Of when?

25 A Of all of this occurring. I had many things that

1 I was doing in addition to doing that 301. It's a massive
2 document. That I got it in in 90 days is pretty good. In
3 fact, it's darn good.

4 Q Okay. All right.

5 A But beyond that, the reason that this was filed on
6 February 28th was we knew that this was going to be our
7 permanently licensed -- this was going to be requested to be
8 the permanently licensed site. And we might as well get FAA
9 approval now as later, and --

10 Q Well, let me --

11 A -- inasmuch as the FAA takes longer than the
12 Commission normally does, I filed it early.

13 Q What did you specifically mean by the work
14 schedule dates? Specifically, what did you mean by FCC
15 approval?

16 A You always state pending -- they want to know --

17 Q I'm just asking.

18 A They want to know, give us a specific -- when are
19 you going to start construction, and any 7460 you ever see
20 filed with the Commission prior to construction, prior to a
21 construction permit will say "pending FCC approval."

22 Q The work schedule date will end on FCC approval?

23 A No, no. I just typed it in. The whole thing is
24 beginning and end. We don't know. I just said "pending FCC
25 approval."

1 Q But this -- all right. But this is -- this is the
2 tower you ultimately intended to use, and in fact did use as
3 your STA?

4 A No. No. The tower we used as the STA is 237 feet
5 from this site.

6 Q And this was the approval -- in other words, they
7 approved the other one which you're 300 --

8 A Five hundred feet.

9 Q Five hundred mile --

10 A Five hundred feet.

11 Q Five hundred feet thing, this approval, this
12 approval that we're looking at, Mass Media Bureau Exhibit
13 11, is what --

14 A Is within the confines --

15 Q Is the FAA authorization for the tower that you
16 eventually built?

17 A Yes, sir.

18 Q And that is new construction, correct?

19 A Yes, sir.

20 Q And none of that was disclosed to the Commission?

21 A Repeat the question.

22 Q There was new construction of this tower, the
23 tower that you -- the tower that was the subject of the 5-2-
24 95 amended STA --

25 A Was new construction.

1 Q -- was not disclosed to the Commission that that
2 was new construction?

3 A I have already stated to you, sir, that I did not.

4 Q Just checking. Just checking.

5 And inasmuch as Vu's policy would not permit new
6 construction on an STA, this violated the policy that Vu
7 explained to you whether or not --

8 A Except --

9 Q -- you agreed with it?

10 A Except there was -- it was not a broadcast tower.
11 It was not set up for broadcast, could not be used for
12 broadcast on May the 2nd.

13 Q That's not -- I'm going to object as
14 nonresponsive.

15 There is still new construction of a tower.

16 A It's very germane.

17 Q Well, I'm asking you the question. This was
18 not -- now I've confused myself.

19 A I complied with the rules.

20 MR. ARONOWITZ: I'm going to ask that that be
21 stricken.

22 JUDGE CHACHKIN: I'll let it in the record.
23 You've had the witness's testimony. I'll allow it.

24 MR. ARONOWITZ: All right.

25 BY MR. ARONOWITZ:

1 Q I'm going to try to ask just a few more questions
2 and then I will wrap this up. I keep threatening that.
3 This time I think I will try to do it.

4 On Mass Media Bureau Exhibit 5 at page 11, and I'm
5 just going to ask this.

6 (Pause.)

7 MR. ARONOWITZ: Sorry. I confused myself.

8 (Pause.)

9 BY MR. ARONOWITZ:

10 Q Mr. Werlinger, I'm sorry, Mass Media Bureau
11 Exhibit 13, page 4, the fourth paragraph down you state --
12 I'll read the first couple of sentences, "Chameleon felt
13 secure that it would prevail in the May 8th hearing," and
14 I'm presuming that's your discussion here at the Commission.

15 JUDGE CHACHKIN: No, the May 8th refers to his --

16 MR. ARONOWITZ: The court hearing, I'm sorry.

17 THE WITNESS: Yes.

18 MR. ARONOWITZ: Absolutely, I'm sorry.

19 "...felt secure that it would prevail in the May
20 8th hearing. However, with the STA in hand Mr. Werlinger
21 and staff went to work to get the 180-foot tower constructed
22 and ready to go on the air. Working nonstop, the Chameleon
23 crew had the tower in the air by 8:30 Saturday, May 6th."

24 THE WITNESS: Yes, sir.

25 BY MR. ARONOWITZ:

1 Q Is that consistent with what you just suggested --

2 A Yes, sir, absolutely.

3 Q -- about it being up in the air on May 1st?

4 A Yes.

5 Q What more needed to go up in the air?

6 A The antenna, the broadcast, the folded unipole
7 broadcast antenna had to go in the air on that tower.

8 JUDGE CHACHKIN: But the ground system had already
9 been constructed? I mean, not the ground system.

10 THE WITNESS: The tower had been --

11 JUDGE CHACHKIN: I assume if you put up a tower
12 you have to -- you have to structure it some way, don't you?

13 THE WITNESS: Well.

14 JUDGE CHACHKIN: I mean, you mentioned something
15 about it.

16 THE WITNESS: We stacked the tower. In other
17 words, the tower was in the air, Your Honor.

18 JUDGE CHACHKIN: Yes?

19 THE WITNESS: But onto the tower itself you must
20 place this apparatus.

21 BY MR. ARONOWITZ:

22 Q Well, what did you mean by when you stated that
23 "Werlinger and staff went to work to get the 180-foot tower
24 constructed"?

25 A Well, I mean, the 180-foot antenna that goes on

1 the tower. I should have used the word "antenna," Mr.
2 Aronowitz.

3 Q Well, so when you said tower -- well, but
4 nevertheless in Mass Media Bureau Exhibit 5, page 9, second
5 paragraph, you're talking about an 180-foot tower in that
6 spot.

7 A Page 9?

8 Q Page 9.

9 A Yes?

10 Q Second paragraph.

11 A Yes, sir.

12 Q On page of Exhibit 13 --

13 A The tower and the antenna --

14 Q -- it's an 180-foot tower. These are the same
15 things.

16 A Well, no, they are not the same thing. The
17 antenna is attached to the tower. They are both 180 feet.
18 You don't build a 190-foot tower and then put an 180-foot
19 antenna on it.

20 Q I didn't think so. That's why I'm asking.
21 Because right here it says that, and it just says you worked
22 to -- "Werlinger and staff worked to get the 180-foot tower
23 constructed."

24 A The word should have been "antenna."

25 Do you understand what a folded unipole is, Mr.

1 Aronowitz?

2 JUDGE CHACHKIN: Perhaps you could explain it to
3 us.

4 THE WITNESS: Well, a folded unipole is an
5 apparatus, and in fact a candelabra is an apparatus that
6 attached to the tower with arms that go out. And what we
7 attached to that tower was a candelabra at the bottom and a
8 candelabra at the top on to which are attached No. 6 bare
9 copper wire, six of them around the tower itself. They go
10 from the base of the tower to the top of the tower.

11 At the 50 ohm point a ring is attached and there
12 is a ring attached at the bottom. And all of these things
13 must be soldered and properly attached. And the
14 transmission line from the transmitter is not attached to
15 the tower but to the antenna. And that is what was
16 constructed after, which is why that tower was not a
17 broadcast tower until that antenna was attached to it. It
18 couldn't be used, and we did not do that until after the STA
19 was granted, and it took a day and a half. Well, in fact,
20 miraculously we got it done in a day and a half, or about a
21 day.

22 BY MR. ARONOWITZ:

23 Q So this -- nevertheless, this statement about
24 constructing a 180-foot tower is not accurate then?

25 A Well, the word should have been "antenna."

1 Q But there's a substantial difference.

2 A I'm sorry, I made a -- I'm sorry. I'm sorry.

3 Q Okay.

4 (Pause.)

5 MR. ARONOWITZ: One second, and then I'm going to
6 have one question. I think I'm going to be able to wrap
7 this up.

8 (Pause.)

9 BY MR. ARONOWITZ:

10 Q Mr. Werlinger, I'm going to hopefully -- I have
11 two.

12 Are you familiar with Section 73.1635 of the
13 Commission's rules with respect to STAs?

14 A No, sir.

15 Q Okay. I'm going to look at one exhibit and try to
16 point it to you.

17 (Pause.)

18 MR. ARONOWITZ: I think it's maybe actually
19 another one.

20 (Pause.)

21 JUDGE CHACHKIN: Is this something you want to
22 finish now, or shall we recess and take this up tomorrow?

23 MR. ARONOWITZ: I'm going to have one more
24 question.

25 JUDGE CHACHKIN: Oh, go ahead.

1 MR. ARONOWITZ: And I'm just trying -- our cross-
2 pagination has messed me up.

3 JUDGE CHACHKIN: All right.

4 (Pause.)

5 BY MR. ARONOWITZ:

6 Q I would ask you, Mr. Werlinger, to turn to Mass
7 Media Bureau Exhibit 14 which is the September 8, '95,
8 letter to you denying the request for STA extension. And
9 specifically, Footnote 8 on page 5.

10 You might want to take a moment to read the
11 footnote.

12 (Witness reviews document.)

13 THE WITNESS: Yes, sir?

14 BY MR. ARONOWITZ:

15 Q And I'm going to specifically read the last
16 sentence. "Any STA request must fully describe the proposed
17 operation and the necessity for the requested STA,"
18 referencing 73.1635(a)(2) of the Rules.

19 Do you believe that the April 21, 1995, STA
20 request or the 5-2-95 amendment complied with 73.1635 in the
21 sense of describing fully the circumstances of the STA
22 request?

23 A I believe, Mr. Aronowitz, that in that STA request
24 and in everyone that I ever made ---

25 JUDGE CHACHKIN: No, no, let's just talk about

1 this particular one. Let's not talk about any other We are
2 only dealing with the STA request made in Bay City. Let's
3 just talk about that.

4 THE WITNESS: To the best of my knowledge, I gave
5 all the information necessary for the STA to be granted.

6 BY MR. ARONOWITZ:

7 Q And I'll just ask you yes or no, do you feel that
8 that fully explained the circumstances behind the STA?

9 A No, sir, but it has been completely explained
10 since.

11 Q Thank you. But it wasn't in the STA?

12 A It has been thoroughly explained since.

13 Q I will take that to mean that the answer was no,
14 it was not explained in the STA?

15 A It's prima facia, sir. It was -- the technical
16 aspects were the only things that were described.

17 Q So they did?

18 A But that was my best knowledge. I was using every
19 bit of knowledge I had acquired through the years of doing
20 these things in presenting that.

21 JUDGE CHACHKIN: All right, we will be in recess
22 until tomorrow morning at 9 a.m.

23 MR. ARONOWITZ: I don't have anything further.

24 THE WITNESS: I might have a few things.

25 JUDGE CHACHKIN: You don't have any further

1 questions at all? That completes your examination? Is that
2 what you're saying?

3 MR. ARONOWITZ: Yes.

4 JUDGE CHACHKIN: All right. We will recess.

5 Well, what do you have?

6 THE WITNESS: Well, Your Honor, I want --

7 JUDGE CHACHKIN: Why don't we give you a chance to
8 think about it tonight, and we will start again tomorrow
9 morning at 9 a.m.

10 THE WITNESS: Well, I'm happy to do that but I'm
11 prepared now.

12 JUDGE CHACHKIN: Well, how long is this going to
13 take?

14 THE WITNESS: I don't know, Your Honor.

15 JUDGE CHACHKIN: Well, what do you want to do?

16 THE WITNESS: Your Honor, I would like to explain.
17 You know, all -- all of these things, you know, taken out of
18 the context of what I was attempting to do and the things
19 that I explained fully.

20 For instance, I explained to Larry Eads the tower
21 situation. I explained to Larry Eads that we constructed a
22 tower. And Larry said, "Novel way to get around a problem."
23 Larry didn't say, "You broke the rules." Larry said, "You
24 used a novel approach to comply with the rules."

25 See, this entire situation, Your Honor, is a

1 result of whether you're looking at the situation from the
2 perspective of Don Werlinger went out and did his dead level
3 darndest to do things that were unethical, and to flaunt the
4 Commission's rules, and to not work with people, when in
5 point of fact, gentlemen, this is the seventh trip to
6 Washington that I have made in the last 21 months. I have
7 explained this situation in intricate detail. I have never
8 tried to hide anything from anybody.

9 Now, in retrospect, I probably should have stopped
10 along the way in some of these things and said, "Hold it.
11 Do I need to disclose dah-dad-dah, this, this and this?"
12 And I didn't. But because I didn't it doesn't mean that I
13 made a conscious effort not to. It's all a matter of -- you
14 know, where you are trying to live within the rules and
15 where you are not trying to live within the rules; where you
16 are trying to live within those things that you knew to be,
17 when May Bradfield was doing STAs there was a whole
18 different environment in the AM branch. May never once --
19 Your Honor, in years of practice May never once asked me,
20 "Did you lose your site?"

21 JUDGE CHACHKIN: Well, but this is all irrelevant.
22 I mean, nobody is questioning the -- the issue doesn't
23 concern itself with what the policies were. The issues
24 concerns of what you told the Commission.

25 THE WITNESS: The issue is whether I intended to

1 deceive and lie, and I did not.

2 JUDGE CHACHKIN: But what that would --

3 THE WITNESS: That's what it boils down to, is it
4 not?

5 JUDGE CHACHKIN: Well, how long have you been a
6 consulting engineer, sir?

7 THE WITNESS: Well, I'm not a consulting engineer.

8 JUDGE CHACHKIN: Well, consultant working on
9 broadcast applications.

10 THE WITNESS: I began working in 1981.

11 JUDGE CHACHKIN: 1981.

12 THE WITNESS: I have a long list, Your Honor, of
13 successful applications that I have tendered.

14 JUDGE CHACHKIN: And you testified you're
15 unfamiliar with Section 1.365 of the rules which deals with
16 STAs?

17 THE WITNESS: I'm unfamiliar. I was unfamiliar --
18 I was unfamiliar with the line that said, "and give full
19 details." I never gave full details ever, ever.

20 JUDGE CHACHKIN: So you do admit that you have
21 knowledge of the rules, the requirements of the rules of
22 STAs?

23 THE WITNESS: Well, I have a general knowledge,
24 yes. But there is not a consulting engineer in the America,
25 Your Honor, that knows all the nuances of all of the rules.

1 JUDGE CHACHKIN: Well, but you have told me that
2 you filed numerous STAs and apparently you never -- you are
3 unaware of what the rules require in preparing an STA?

4 THE WITNESS: What I -- what I am saying to you,
5 Your Honor, is that I prepared STAs for years in the exact
6 same way that I prepared both the Canton and the KFCC STAs.

7 JUDGE CHACHKIN: And you prepared it without
8 looking at what the rules require you to provide? You never
9 looked at what the rules required you to provide when you
10 prepared an STA? You juts did it out of your head you
11 prepared STAs?

12 THE WITNESS: Actually, Your Honor, the first time
13 I did it I got an STA. I looked at how the STA was
14 prepared, and I prepared my STAs from that, and they were
15 all granted. I made them now perhaps erroneous assumption
16 that I was doing it in a way that complied with the rules.

17 Your Honor, I have been in this business 27 years
18 now. I have -- this is how I make my living. This is how I
19 pay my rent, and I'm -- I have a long history of -- and any
20 radio station in America today, and I've been in a lot of
21 them, if you decide today that you're going to go into that
22 radio station, and you are going to find a violation for
23 which a show cause order can be issued to revoke the license
24 of that radio station in virtually all of them you can find
25 a violation of that sort.

1 Does that mean that the guys are dishonest, that
2 they are attempting to deceive? Does that mean -- how many
3 volumes are the rules? I mean, no one individual can be
4 expected to know them all, and I'm not saying -- I'm not
5 saying that ignorance is an excuse. But what I am saying is
6 I have prepared STA applications for people for years, and
7 they had all been granted, and none had ever been rescinded.

8 And I will say my sin here is that when Jim Burtle
9 said to me, "Get your back to Bay City," I said I'm going to
10 talk to Larry Eads. And I told this full story to Larry
11 Eads. I have never -- I have never tried to conceal a
12 thing, people. I told the full story. I was in his office
13 and hour and a half, and at the end of it he said, "Well,
14 you know, we may want to know more later, and we may want to
15 know it in writing, but for today, you know, I'm staying the
16 effectiveness of this order."

17 This is all about one individual in the
18 bureaucracy being angry with somebody in the industry who
19 was, unfortunately, stubborn enough to say, "I'm going to
20 fight. I'm going to fight." That's all it's about.

21 JUDGE CHACHKIN: Have you anything further to say,
22 Mr. Werlinger?

23 THE WITNESS: No, sir.

24 JUDGE CHACHKIN: Do you have any further questions
25 for Mr. Aronowitz?